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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,173	06/09/2000	Katsushi Fujita	02860.0648	3385
22852	7590	03/26/2004	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			STEPHANY, TIMOTHY J	
			ART UNIT	PAPER NUMBER
			2622	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/590,173	FUJITA, KATSUSHI	
	Examiner Timothy J. Stephany	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 June 2000.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,4 and 5 is/are rejected.
 7) Claim(s) 2 and 3 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3 / 10-29-03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Allowable Subject Matter

Claims 2 and 3 are potentially allowable over the prior art, which does not describe, disclose, nor suggest the contents therein.

Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Priority

Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

Specification

The disclosure is objected to because of the following informalities:

On page 1, line 14: grammatical error, "formed by using the each color" should read "formed by using each color".

On page 2, line 22: confused wording, "print film, and further, or a CTC" should read "print film, or a CTC", or any similar change that conveys the intended meaning properly in English.

On page 4, lines 11-17: grammatical errors and bad rendering into English, the lines should be revised to clarify meaning. Suggested changes read as follows:

“a reduction of the time limit of the delivery, and cost reduction, the proofreading material is that by which the dot image cannot be reproduced; that is, the proofreading by a sublimation transfer system is conducted, or in a case that an output means such as inkjet or electrophotography is mainly used as the proof for the page-effect confirmation.

However, for the confirmation of the reproducibility of a”

On page 5, lines 1: grammatical error, “For such the needs” should read “For such needs”.

On page 5, line 5: insertion of the phrase “begins to spread” has unclear meaning as rendered in English.

On page 5, line 12: grammatical error, “that application for all businesses” Should read “in application for all businesses”, or any similar change that conveys the intended meaning properly in English.

On page 6, lines 4-5: grammatical errors and bad rendering into English, the lines should be revised to clarify meaning. Phrases in question: “user is not conscious” and “also increases”. However, the intended meaning of the entire sentence is unclear.

On page 6, line 12: grammatical error, “DDCP, because an image in which” should read “DDCP, an image in which”.

On page 6, line 14: grammatical error, "and entire the" should read "and the entire".

On page 6, line 15: grammatical error, "region looks black, the situation that the black" should read "region looks black. The situation in which the black".

On page 7, lines 3-4: grammatical errors and bad rendering into English, the lines should be revised to clarify meaning. Suggested changes read as follows:

"At the time of the printing, a large waste of operating time or each kind of material."

On page 7, lines 15-16: grammatical errors, "apparatus, which having" should read "apparatus, having" and "light sources with the" should read "light sources with".

On page 8, lines 1-2: grammatical errors, "exposure which is different in the image data" should read "exposure differently in the image data".

On page 8, lines 7-8 and 14-15: confused rendering, "data so that the higher density black color than in the case of the image data of only the black color is generated in the" should read "data so that the higher density black color (than that used in the case of only black color image data) is generated in the", or any similar change that conveys the intended meaning properly in English.

On page 9, line 2: grammatical error, "the exposure which is different in the" should read "the different exposures in the".

On page 9, lines 10-11 and 20-21: confused rendering, "sensitive material is exposed in the condition which is different between" should read "sensitive material is exposed differently between".

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On page 10, line 10: confused rendering, "which is different between" should read "differently between".

On page 10, lines 13-14: confused rendering, "In these inventions, the exposure data which is different between the image data in which the black color and" should read "In these inventions, the different exposure data of the image data in which the black color and", or any similar change that conveys the intended meaning properly in English.

On page 10, line 19: grammatical error, "the color proof by which a portion of only" should read "the color proof, by which a portion of only".

On page 11, lines 1-2, lines 9-10 and lines 17-18: confused rendering, "density black color than in the case of the image data of only the black color is generated on the" should read "density black color (than that used in the case of only black color image data) is generated on the", or any similar change that conveys the intended meaning properly in English.

On page 12, lines 1-2: confused rendering, "density black color than in the case of the image data of only the black color is generated on the" should read "density black color (than that used in the case of only black color image data) is generated on the", or any similar change that conveys the intended meaning properly in English.

On page 28, lines 8-11: confused rendering, the lines should be revised to clarify meaning. Suggested changes read as follows:

"the present embodiment, the exposure data (that is different in the image data in which the black color and other colors are

overlapped with each other, and in the image data of only the black color) is formed and the exposure is conducted, and the"

On page 30, line 6: grammatical error, "amount is made to 0 %" should read "amount is set to 0 %".

On page 30, lines 17-18 and on page 32, lines 13-14 and on page 39, lines 2-3: confused rendering, "density black color than in the case of the image data of only the BK, can be generated" should read "density black color (than that used in the case of only BK image data) can be generated", or any similar change that conveys the intended meaning properly in English.

On page 45, lines 12-14: grammatical errors, the lines should be revised to clarify meaning. Suggested changes read as follows:

"processor forms the data for the exposure, which is different for image data in which the black color and other colors are overlapped with each other, and for image data of only the black"

Appropriate correction is required, even if the given line locations of the errors are not figured the same by the applicant.

Claim Objections

Claims 1-5 are objected to because of the following informalities:

Regarding **claim 1, line 2**: grammatical error, "having the different" should read "having different".

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Regarding **claim 1, lines 12-14**: confused rendering, "exposure which is different in image data in which the black color and other colors are overlapped with each other, and image data of only the black color" should read "exposure, which is different for image data in which the black color and other colors are overlapped with each other, and for image data of only the black color".

Regarding **claim 2, lines 3-4** and for **claim 3, lines 3-4**, lines: confused rendering, "density black color than in the case of the image data of only the image data of only the black color is generated" should read "density black color (than that used in the case of only black color image data) is generated", or any similar change that conveys the intended meaning properly in English.

Regarding **claim 4, lines 9-11**: confused rendering, "exposure, the data for the exposure which is different in image data in which the black color and other colors are overlapped with each other, and image data of only the black" should read "exposure, the data for the exposure, which is different for image data in which the black color and other colors are overlapped with each other, and for image data of only the black" ", or any similar change that conveys the intended meaning properly in English.

Regarding **claim 5, line 10**: confused rendering: "and image data of" should read "and the image data of".

Appropriate correction is required, even if the given line locations of the errors are not figured the same by the applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okutsu ('296), in view of Koya ('801), further in view of Neilson ('530).

Regarding claim 1, Okutsu discloses a color proof making apparatus that specifies at least three light sources disposed in correspondence with at least three different light-sensitive wavelength regions of the light-sensitive material (claim 19: col. 35, lines 29-31), being a plurality of light sources for emitting ultraviolet light of a plurality of different ultraviolet wavelengths (col. 20, lines 43-45) and that this is applied to a light-sensitive material (col. 20, lines 46-48). This corresponding to a) in claim 1: "a plurality of light sources having different wavelengths, emitting light beams by which a light sensitive material is exposed;"

Okutsu also discloses a control means (controller) for effecting control such that the at least three light sources are turned on separately or simultaneously to expose the light-sensitive material (claim 19: col. 35, lines 37-38 and col. 36, lines 1-2 and col. 4, lines 56-58). This corresponding to c) in claim 1: "a controller controlling the plurality of light sources".

Okutsu fails to teach that there is an image processor for receiving a plurality of colors of image data including a black color, and forming data for an exposure.

Koya adds that image data from a computer is subjected to image processing, and that this image data is directed to allow three types of LED's to emit light to which the light-sensitive material is exposed (col. 73, lines 55-63) which emit green light, red light and infrared light (col. 73, lines 41-42). Also, Koya teaches that the image data that constitutes the original may be either a black-and-white or a color image (col. 73, lines 19-20). This corresponding to b) in claim 1: "an image processor for receiving a plurality of colors of image data including a black color, and forming data for an exposure;". It also implies that for the operation of these LED's there is some means of control, along the lines of the control means of Okutsu.

Okutsu and Koya fail to teach that the exposure used is different for image data in which the black and other colors are overlapped with each other, and for image data of only black.

Neilson adds that the text (black only) and graphics (color and black) are to be exposed at different resolutions (col. 8, lines 63-64).

Regarding **claims 4 and 5**, as has already been discussed above, Okutsu discloses a color proof apparatus (and thus a method) for production of a color proof by exposing a color light-sensitive material (col. 20, lines 46-48). This corresponding to exposing a color light-sensitive material and forming a color proof.

Okutsu fails to teach receiving a plurality of colors of image data including black color, and forming image data for an exposure.

Koya teaches a method so that image data for black-and-white or color (col. 73, lines 19-20), which is the original that is received into a computer (col. 73, lines 56-57),

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and that this image data is directed to allow three types of LED's to emit light to which the light-sensitive material is exposed (col. 73, lines 55-63) which emit green light, red light and infrared light (col. 73, lines 41-42).

Okutsu and Koya fail to teach that the exposure used is different for image data in which the black and other colors are overlapped with each other, and for image data of only black.

Neilson adds that the text (black only) and graphics (color and black) are to be exposed at different resolutions (col. 8, lines 63-64).

Okutsu, Koya and Neilson constitute analogous art due to their similarity of structure and function in the same field of endeavor, being the exposure of light-sensitive materials for color image recording. Thus it would have been obvious to those of ordinary skill in the art at or before the time of the invention by the applicant to have a color proof forming apparatus with a plurality of light sources at different wavelengths, emitting light to a light-sensitive material, by an image processor with image data, including black, that is used to control the light sources according to the exposure required by the data, wherein the exposure is different for black data and for black overlapped with color data, based upon the combined teachings of Okutsu, Koya and Neilson.

Additional Notes

Prior art references Guerin ('358), Ng ('501), Curry ('829), Warner ('887), Hattori ('259), Tanaka ('068), Kitchin ('745), Kitchin ('827), Yoshizawa ('592) and non-patent references are only included as background sources and were not used in the determination of the validity of the claims contained in the pending application of this office action.

Guerin ('358) and Ng ('501) refer to using different exposures for black and color; Curry ('829) refers to laser exposure; Warner ('887), Hattori ('259) and Tanaka ('068) refer to exposure using multiple light sources; Kitchin ('745), Kitchin ('827) and Yoshizawa ('592) refer to color proofing. Non-patent reference Kawamura (US 2002/0076661 A1) is a color proofing application by the same assignee, and non-patent reference Fujita (US 2002/0097437 A1) is a color proofing application by the same inventor.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Stephany whose telephone number is 703-305-8951. The examiner can normally be reached on 8:30 am - 4:30 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600